

Aviation Group Client Update

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FAA PROPOSES CHANGES TO PART 16 RULES OF PRACTICE

Today, the FAA published a notice proposing [changes to 14 CFR Part 16](#) rules of practice and procedure for filing and adjudicating complaints against federally-assisted airports, including: (1) electronic filing; (2) opportunities for sponsors to seek early disposition of complaints in certain cases; and (3) clarification of processes already described in the rule.

The proposed rule adds procedures for concluding an investigation by summary judgment or dismissal without an answer by the sponsor and terminates complaint standing in certain cases where the FAA finds the sponsor in noncompliance on all issues raised in the complaint. In addition, the proposed rule includes procedures for filing complaints under 49 CFR Part 23, Participation of Disadvantaged Business Enterprises (DBEs) in Airport Concessions and 49 CFR part 26, Participation by DBEs in DOT Financial Assistance Programs.

The proposed rule also clarifies existing language in Part 16 that addresses: intervention and other participation; the process for ordering corrective action for noncompliant sponsors; processes involving the Director, including procedures for seeking rehearing of Director's determinations upon a showing of good cause; standard of proof and burden of proof requirements; standards for raising new issues on appeal to the Associate Administrator; consent orders; requests for testimony of agency employees; process involving the Associate Administrator, including procedures for seeing rehearing of final agency decisions upon showing of good cause; transfer of responsibility for decision-making for civil rights cases; availability of judicial review; and extension of the time period for filing pleadings by mail.

Comments are due on or before **May 4, 2012**. Please feel free to contact our office with questions or for assistance with the preparation and submission of comments.

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